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Chapter No. 558

10/SS02/R1532.1

JN / MA/EF

SENATE BILL NO. 3213

Originated in Senate *James W. Thompson* Secretary

SENATE BILL NO. 3213

AN ACT TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO SELL AND CONVEY OR LEASE CERTAIN STATE-OWNED REAL PROPERTY FORMERLY KNOWN AS THE "OLD SCHOOL FOR THE BLIND," LOCATED IN JACKSON, MISSISSIPPI; TO REQUIRE MONIES DERIVED FROM THE SALE OR LEASE OF THAT PROPERTY TO BE DEPOSITED INTO A SPECIAL FUND IN THE STATE TREASURY FOR THE PURPOSE OF BEING DISBURSED TO THE STATE BOARD OF EDUCATION; TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO NEGOTIATE AN AGREEMENT REQUIRING THE DEVELOPER TO CONSTRUCT A NEW SUPERINTENDENT RESIDENCE AND BUILDING MAINTENANCE FACILITY; TO PROVIDE THAT THE STATE SHALL RETAIN THE RIGHT TO REPURCHASE THE REAL PROPERTY OR TERMINATE THE LEASE IF CERTAIN CONDITIONS OCCUR; TO PROVIDE THAT THE STATE SHALL RETAIN ALL MINERAL RIGHTS TO THE REAL PROPERTY SOLD OR LEASED UNDER THIS ACT; TO REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO REVIEW AND CONSIDER ALL PROPOSALS FOR THE PURCHASE OR LEASE OF THE PROPERTY USING CERTAIN REVIEWING FACTORS; TO ALLOW THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO CORRECT ANY DISCREPANCIES IN THE LEGAL DESCRIPTION TO THE PROPERTY; TO AUTHORIZE THE MISSISSIPPI TRANSPORTATION COMMISSION TO SELL AND CONVEY CERTAIN STATE-OWNED REAL PROPERTY LOCATED IN THE CITY OF JACKSON, HINDS COUNTY, MISSISSIPPI, IN CONNECTION WITH THE PROPOSED SALE OR LEASE OF THE "OLD SCHOOL FOR THE BLIND PROPERTY"; TO AMEND SECTIONS 27-33-17 AND 27-33-19, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; TO REPEAL SECTIONS 1, 2 AND 3, CHAPTER 564, LAWS OF 2007, WHICH AUTHORIZE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO LEASE THE OLD SCHOOL FOR THE BLIND PROPERTY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) Acting on behalf of the State Department of Education, the Department of Finance and Administration may sell and convey or lease certain state-owned real property formerly known as the "Old School for the Blind," located north of Eastover Drive, in the City of Jackson, Mississippi, provided that the sale and conveyance or lease is subject to the conditions authorized in this section. The property being more particularly described as follows:

Starting at a concrete monument that is the SE corner of the SW 1/4 of the SW 1/4 of Section 24, T6N, R1E in the First Judicial District, Hinds County, Mississippi, run thence N 00°-01' E along the line between the E 1/2 and the W 1/2 of the SW 1/4 of Section 24, T6N, R1E for a distance of 194.40 feet to a point on the north line of Eastover Drive, as said drive is now laid out and improved, the point of beginning.

Run thence N 56°-46' W along said north line of said Eastover Drive for a distance of 3.02 feet to the P.C. of a curve to the left with a radius (chord) of 5769.65 feet (angle of curve was omitted, 04°-00'-0r"); Run thence along said curve and said north line of Eastover Drive for a distance of 402.91 feet to the P.T. of said curve; Run thence N 60°-46' W along said north line of said Eastover Drive for a distance of 684.92 feet to a point on the east right-of-way line of U.S. Highway No. 51, as said highway is now laid out and improved; Run thence N 29°-14' E along said east right-of-way line of U.S. Highway No. 51 for a distance of 1422.24 feet to a point; Run thence N 87°-06' E for a distance of 251.28 feet to a point on the line between the E 1/2 and the W 1/2 of the SW 1/4 of Section 24, T6N, R1E, and also being a point on the south line of share 1 of the Mosal partition; Run thence S 00°-01' W along said line between the E 1/2 and the W 1/2 of the SW 1/4 of Section 24, T6N, R1E for a distance of 1796.17 feet to the point of beginning.

All the above described land being situated in the W 1/2 of the SW 1/4 of Section 24, T6N, R1E in the First Judicial District of Hinds County, Mississippi, and being wholly within the corporate limits of the City of Jackson and containing 22.822 acres.

(2) The real property and the improvements thereon, described in subsection (1) of this section, shall, if sold, be sold for not less than the current fair market value as determined by the average of at least two (2) appraisals by qualified appraisers, who shall be selected by the Department of Finance and Administration and shall be certified and licensed by the Mississippi Real Estate Appraiser Licensing and Certification Board. If the real property and the improvements thereon, described in subsection (1) of this section, are leased, the Department of Finance and Administration is authorized to negotiate all aspects of any lease and any terms and ancillary agreements pertaining to any lease as may be reasonably necessary to effectuate the intent and purposes of this section and to ensure a fair and equitable return to the state.

(3) The Department of Finance and Administration is authorized to negotiate an agreement in conjunction with any sale or lease entered into with the developer selected under the authority of Sections 1 through 3 of this act requiring that the purchaser or lessee construct or fund the construction of a new residence for the Superintendent of the Mississippi School for the Blind and a new storage and building maintenance facility on the grounds of the new campus for the school, the total cost of which shall be capped at One Million Two Hundred Thousand Dollars (\$1,200,000.00) as of the effective date of this act, adjusted for inflation. The developer shall be entitled to a credit against the purchase price or rental payments, as applicable, for any amounts funded or expended by the developer pursuant to the agreement referenced in this subsection.

(4) All monies derived from the sale or lease of the property authorized in this section, less amounts used to fund the construction authorized in subsection (3) of this section and used to reimburse the Department of Finance and Administration for fees paid to the development facilitator as provided in subsection (3)

of Section 3 of this act, shall be deposited into a special fund, to be designated as the School for the Blind Trust Fund which is created in the State Treasury. Monies in the special fund shall be disbursed by the Department of Finance and Administration to the State Board of Education for the sole benefit of the Mississippi School for the Blind and the Mississippi School for the Deaf. Unexpended amounts remaining in the special fund at the end of the fiscal year shall not lapse into the State General Fund, and any interest earned on the amounts in the special fund shall be deposited to the credit of the special fund.

(5) (a) The property described in subsection (1) of this section shall be sold or leased to result in the highest and best use of the property and to ensure that the property is used in a manner that will not interfere with the operation of the Mississippi School for the Blind or the Mississippi School for the Deaf; provided that such redevelopment shall be designed and implemented to include commercial, residential and/or retail space and to preserve and enhance the existing educational, residential and commercial integrity of the surrounding community as determined by the Department of Finance and Administration.

(b) It is the intent of the Legislature that the property will be sold or leased for the benefit of creating value while also preserving the local environment and promoting growth in the area.

(6) The Department of Finance and Administration shall review and consider all proposals for purchase or lease of the property described in subsection (1) of this section in light of all factors which the department deems relevant, including, without limiting the generality of its consideration, the following:

(a) The proposed purchase price of the property or rental payments, as applicable;

(b) The proposed use or uses of the property;

(c) The cost, scope and scale of the proposed development and the amount of the investment to be made by the proposed purchaser or lessee of the property;

(d) The projected impact of the proposed development on the City of Jackson and the State of Mississippi, including anticipated or projected tax revenue to be generated as a result; and

(e) The projected timetable for the development.

(7) The State of Mississippi retains the exclusive right to repurchase the property, if the property is sold under this act, or to terminate the lease of the property, if the property is leased under this act, if the purchaser or lessee, as applicable, has not completed construction of more than fifty thousand (50,000) square feet of improvements on the property consistent with purposes as set forth in this section before December 31 of the tenth year after the date of the sale or lease of the property. If any of the conditions stated within this subsection occur within ten (10) years of the authorized sale or conveyance or lease of the property described in subsection (1) of this section, the state may exercise its right to repurchase or terminate the lease, which right shall be exercised within twelve (12) months of the expiration of the above referenced ten-year period. The repurchase price for the property described in subsection (1) of this section and the improvements thereon shall be the fair market value at the time of repurchase as determined by the average of at least two (2) appraisals by qualified appraisers, who shall be selected by the Department of Finance and Administration and shall be certified and licensed by the Mississippi Real Estate Appraiser Licensing and Certification Board. If the state exercises its right to repurchase the property or to terminate the lease as set forth in this subsection, the state shall also have the right to repurchase the property described in Section 2 of this act on the same terms

using the average of two (2) appraisals as authorized in this subsection.

(8) The State of Mississippi shall retain all oil, gas and mineral rights to the property sold or leased under this section.

(9) The Department of Finance and Administration may correct any discrepancies in the legal description provided in subsection (1) of this section as long as the property conveyed is bounded on the South by Eastover Drive; on the West by Interstate 55; on the East by the line between the East 1/2 and the West 1/2 of the SW 1/4 of Section 24, T6N, R1E; and on the North by the South line of share 1 of the Mosal partition.

SECTION 2. (1) The Mississippi Transportation Commission is authorized to sell and convey certain state-owned real property located within the City of Jackson, Hinds County, Mississippi, in connection with the proposed sale or lease of the "Old School for the Blind Property" authorized under Section 1 of this act, the property being more particularly described as follows:

Being situated in the Southwest 1/4 of Section 24, Township 6 North, Range 1 East, City of Jackson, First Judicial District of Hinds County, Mississippi, and being more particularly described by metes and bounds as follows, to wit:

Commence at the southeast corner of the Southwest 1/4 of the said Southwest 1/4 of Section 24 and run North 00°44'25" West for 194.40 feet along the midline of the said Southwest 1/4 of Section 24 to an iron pin which marks the northeastern right-of-way line of Eastover Drive; thence run 615.70 feet along the arc of a 9,738.24 radius curve to the left along the said northeastern right-of-way line to the **POINT OF BEGINNING** of the herein described parcel, said arc having a 615.60 foot chord which bears North 59°10'22" West.

From said **POINT OF BEGINNING**, thence run along the northeastern right-of-way line of Eastover Drive for the

following courses and distances: North 03°43'19" West for 52.94 feet; North 42°09'21" West for 30.11 feet; North 61°39'19" West for 21.92 feet; North 81°18'33" West for 74.33 feet; North 61°39'19" West for 120.00 feet; North 56°27'39" West for 55.23 feet; North 12°23'57" East for 36.40 feet; North 61°39'19" West for 30.00 feet; South 42°22'51" West for 41.23 feet; North 56°22'02" West for 38.72 feet; North 02°25'47" East for 11.18 feet to the southeastern right-of-way line of Interstate Highway No. 55; thence run along said southeastern right-of-way line for the following courses and distances: North 28°59'41" East for 188.36 feet; North 24°27'42" East for 61.59 feet; along the arc of a curve to the right, said curve having a radius of 14,268.95 feet, an arc length of 249.04 feet, a chord bearing of North 29°44'28" East, a chord length of 249.04 feet, and a central angle of 01°00'00"; North 16°21'54" East for 102.79 feet; thence, leaving said right-of-way line, run South 32°09'47" West for 99.85 feet; thence run on and along the arc of a curve to the left, said curve having a radius of 14,296.95 feet, an arc length of 311.05 feet, a chord bearing of South 29°37'05" West, a chord length of 311.04 feet, and a central angle of 01°14'48"; thence run South 28°59'41" West for 208.32 feet; thence run South 14°20'36" East for 43.71 feet; thence run South 59°20'36" East for 69.79 feet; thence run South 61°30'34" East for 254.59 feet; thence run South 68°33'12" East for 96.83 feet back to the **POINT OF BEGINNING**, and containing 0.87 acres, more or less.

This description is based on the Mississippi State Plane Coordinate System Grid North (NAD 83 - West Zone) using a combined factor of 0.999942059 and a convergence angle of +00°05'43".

(2) The real property described in subsection (1) of this section, shall be sold in conjunction with the authorized sale and conveyance or lease of the Old School for the Blind Property under

Section 1 of this act for not less than the current fair market value as determined by the average of at least two (2) appraisals by qualified appraisers, who shall be selected by the Mississippi Transportation Commission and shall be certified and licensed by the Mississippi Real Estate Appraiser Licensing and Certification Board. The Department of Finance and Administration is authorized to include the real property conveyed under subsection (1) of this section as part of the property leased or sold to the developer selected under the authority of this act.

(3) The State of Mississippi shall retain all oil, gas and mineral rights to the property sold under this section.

SECTION 3. (1) The Department of Finance and Administration is authorized to contract with a development facilitator with expertise in mixed-use developments with commercial, office and residential components to assist the State of Mississippi in identifying potential developers of the property described in Sections 1 and 2 of this act and in selecting the development plan and developer for the property that best represent the intent of the Legislature as expressed in this act. The Department of Finance and Administration is authorized to pay for the contractual services from fees charged by the Department of Finance and Administration and to be reimbursed from income generated by any lease or sale of the property.

(2) The Department of Finance and Administration is authorized to enter into negotiations with the developer selected under the authority of this act and with utility providers for purposes of working toward an agreement for the relocation of utility lines located on the property.

(3) If the property described in subsection (1) of Section 1 of this act is leased, the Department of Finance and Administration is authorized to manage and collect through the developer rental and lease payments of ground leases for any residential or nonresidential property lease authorized under the

authority of the provisions of Section 1 of this act. The Department of Finance and Administration may charge a fee not to exceed the costs of administering Sections 1 through 3 of this act, any leases and any other ancillary agreements executed hereunder.

SECTION 4. Section 27-33-17, Mississippi Code of 1972, is amended as follows:

27-33-17. The meaning of the words "own," "owned," "ownership" and similar words, for the purpose of this article, shall be limited to real estate, and to title, as follows:

(a) "Fee title," meaning inheritable title (whether by inheritance, gift or purchase), limited to only ownerships known as (i) "absolute" (freehold), or (ii) "tenancy for life" (life estate), or (iii) "tenancy in common," "joint tenancy," "joint ownership" and "common title"; the conditions of none of which may be restricted during the life of the owner as to possession, occupancy and use; and the words "joint owner," "joint tenant" or "joint tenancy" when used in this article shall include "tenant in common," "tenancy in common" and "estate in common," unless a different meaning is clearly indicated by the context.

(b) "An express trust of record," meaning a trust created in express terms in a recorded deed, will or other writing, with reference to the land to which it applies, the beneficiary of which trust is the head of a family, who under the terms of the trust, is entitled to and does occupy and use the property as a home, which property is assessed for taxation to the beneficiary and on which property the beneficiary pays the taxes, unless otherwise provided in the trust.

(c) "School lands legally leased," meaning a legal lease of school land which is perpetually renewable, or school land legally leased for a term of ten (10) years or more under the provisions of Section 211 of the Mississippi Constitution, the owner of which lease is the head of a family who is entitled to

and does occupy and use the property as a home, and who renders the property for assessment and pays the taxes thereon, as required by law.

(d) "Pearl River Valley Water Supply District lands legally leased," meaning a legal lease of lands owned in fee by the Pearl River Valley Water Supply District, an agency of the State of Mississippi, for a period of twenty (20) years or more, with the option of renewal for successive periods of ten (10) years, to a person, individually or in joint tenancy, who is the head of a family and is entitled to and does occupy and use the property as a home, and who renders the property for assessment and pays the taxes thereon, as required by law.

(e) "Mississippi-Yazoo Delta Levee Board lands legally leased," meaning a legal lease of lands owned in fee title by the Mississippi-Yazoo Delta Levee Board, an agency of the State of Mississippi, for a period of five (5) years or more, with the option of renewal for successive periods of five (5) years, to a person, individually or in joint tenancy, who is the head of a family and is entitled to and does occupy and use the property as a home, and who renders the property for assessment and pays the taxes thereon, as required by law. This exemption shall include all leases in existence that were entered into prior to July 1, 1992.

(f) If title is held by deed or other grant, such instrument shall be dated and acknowledged on or before January 1 of the year for which homestead exemption is applied and shall be filed for record with the chancery clerk on or before January 7 of the year for which homestead exemption is applied and the book and page, or properly assigned unique identification number, of such recordation shall be noted on the application. If title is held by will, inheritance, adverse possession or any means other than grant, same may be proved by affidavit, citation of any court record, or such other evidence as may be required by the

commission. However, nothing shall prevent homestead exemptions where it shall be shown that title was derived through inheritance and the recording evidence otherwise necessary was later recorded.

(g) "Fraternal or benevolent organization land legally leased," meaning a legal lease of land from any fraternal or benevolent organization owning land exempt from ad valorem taxation under the provisions of Section 27-31-1, leased for ten (10) years or more or for life, the owner of which lease is a head of a family who is entitled to and does occupy and uses the property as a home, and who renders the property for assessment and pays the tax thereon, as required by law. This paragraph shall not apply to any leased land if the dwelling located thereon is owned by the fraternal or benevolent organization.

(h) "A remainder interest in the dwelling and eligible land," meaning an interest held by the children of a testator in a dwelling and the eligible land on which it is located, created by the express terms of the will of the testator, in which the children of the testator are granted the use of property only upon the death or remarriage of the spouse of the testator or the occurrence of certain other contingencies and such dwelling and the eligible land on which it is located is assessed for taxation to the children of the testator and on which dwelling and eligible land the children of the testator pay the taxes thereon, as required by law.

(i) "Old School for the Blind land legally subleased," meaning a legal sublease of lands pursuant to Section 1 of Senate Bill No. _____, 2010 Regular Session, subleased for a period of twenty (20) years or more, the owner of which lease is a head of a family who is entitled to and does occupy and use the property as a home, and who renders the property for assessment and pays the taxes thereon, as required by law.

SECTION 5. Section 27-33-19, Mississippi Code of 1972, is amended as follows:

27-33-19. The word "home" or "homestead" whenever used in this article shall mean the dwelling, the essential outbuildings and improvements, and the eligible land assessed on the land roll actually occupied as the primary home of a family group, eligible title to which is owned by the head of the family, a bona fide resident of this state, and when the dwelling is separately assessed on the land roll for the year in which the application is made, subject to the limitations and conditions contained in this article. And the meaning of the word is hereby extended to specifically include:

(a) One or more separate, bona fide dwellings and the land on which they are located, each occupied under eligible ownership rights by the widow or the widower, or the children of a deceased parent, each separate home being property or a portion of property owned by a deceased person whose estate has not been distributed or divided or vested in a person or persons for life. But in each case the property for which exemption is sought may not be more than the applicant's inherited portion, and must be accurately described on the application and the conditions explained in writing. But the heirs may elect to accept one (1) homestead for the estate. The home occupied by the surviving spouse as provided by the laws of this state shall be preferred over the homes claimed by the children, and the exemption to any other heir shall not exceed the remaining amount obtained by deducting the assessed value of the surviving spouse's portion from the assessed value of the whole, divided by the number of heirs other than the surviving spouse. Each heir claiming exemption shall meet the requirements as to occupancy, residence and head of a family, and no part of the undivided inherited lands shall be combined with other lands and included in a homestead exemption under this article except in the case of the surviving spouse.

(b) One or more separated dwellings and eligible land, not apartments, occupied each by a family group as a bona fide home, eligible title to which entire property is held jointly by purchase or otherwise by the heads of the families, and each joint owner shall be allowed exemption on the proportion of the total assessed value of all the property, equal to his fractional interest (except as otherwise provided in paragraph (r) of this section), provided no part of the jointly owned property shall be exempted to a joint owner who has been allowed an exemption on another home in the state.

(c) A dwelling and eligible lands owned jointly or severally by a husband and wife, if they are actually and legally living together. But if husband and wife are living apart, not divorced, as provided by paragraphs (c) and (d) of Section 27-33-13, jointly owned land shall not be included except that the dwelling occupied as a home at the time of separation shall be eligible if owned jointly or severally.

(d) The dwelling and eligible land on which it is located, owned and actually occupied as a home by a minister of the gospel or by a licensed school teacher actively engaged whose duties as such require them to be away from the home for the major part of each year, including January 1, provided it was eligible before such absence, and no income is derived therefrom, and no part of the dwelling claimed as a home is rented, leased or occupied by another family group, and when the home is eligible except for the temporary absence of the owner.

(e) The dwelling and the eligible land on which it is located, consisting of not more than four (4) apartments; provided (1) if one (1) apartment is actually occupied as a home by the owner the exemption shall be limited to one-fourth (1/4) the exemption granted pursuant to this article, or (2) if the dwelling and land is owned by four (4) persons and the four (4) owners each occupy one (1) apartment as a home, the exemption shall be granted

equally to each owner; provided revenue is not derived from any part of the property except as permitted by paragraphs (g) and (h) of this section. If the dwelling and the eligible land on which it is located consists of not more than three (3) apartments, and one (1) apartment is actually occupied as a home by the owner, the exemption shall be limited to one-third (1/3) the exemption granted pursuant to this article, or if the dwelling and land is owned by three (3) persons and the three (3) owners each occupy one (1) apartment as a home, the exemption shall be granted equally to each owner; provided revenue is not derived from any part of the property except as permitted by paragraphs (g) and (h) of this section. If the dwelling and the eligible land on which it is located consists of not more than two (2) apartments and one (1) apartment is actually occupied as a home by the owner, the exemption shall be limited to one-half (1/2) the exemption granted pursuant to this article, or if the dwelling and land is owned by two (2) persons and the two (2) owners each occupy one (1) apartment as a home, the exemption shall be granted equally to each owner; provided revenue is not derived from any part of the property except as permitted by paragraphs (g) and (h) of this section.

(f) The dwelling and eligible land on which it is located, actually occupied as the bona fide home of a family group owned by the head of the family whereof five (5) and not more than six (6) rooms are rented to tenants or boarders, and where there are rented rooms and an apartment, the apartment shall be counted as three (3) rooms; provided the exemption shall be limited to one-half (1/2) the exemption granted pursuant to this article.

(g) The dwelling and eligible land being the bona fide home of a family group owned by the head of the family used partly as a boarding house, or for the entertainment of paying guests, if the number of boarders or paying guests does not exceed eight (8).

(h) The dwelling and eligible land being the bona fide home of a family group owned by the head of the family wherein activity of a business nature is carried on, but where the assessed value of the property associated with the business activity is less than one-fifth (1/5) of the total assessed value of the bona fide home; provided, however, that when the owner's full-time business is located in the bona fide home of the head of the family, such owner shall be limited to one-half (1/2) of the exemption granted pursuant to this article.

(i) The dwelling and the eligible land on which it is located and other eligible land even though ownership of and title to the dwelling and the land on which it is located has been conveyed to a housing authority for the purpose of obtaining the benefits of the Housing Authorities Law as authorized by Sections 43-33-1 through 43-33-53 or related laws.

(j) A dwelling and the eligible land on which it is located owned by a person who is physically or mentally unable to care for himself and confined in an institution for treatment shall be eligible notwithstanding the absence of the owner unless the home is excluded under other provisions of this article. The exemption is available for a period of ten (10) years from the day of confinement.

(k) The dwelling and the eligible land on which it is located owned by two (2) or more persons of a group, as defined in paragraph (f) of Section 27-33-13, when two (2) or more of the group have eligible title, or if the group holds a life estate, a joint estate or an estate in common; provided the title of the several owners shall be of the same class.

(l) A dwelling and the eligible land on which it is located under a lease of sixty (60) years by the Pearl River Valley Water Supply District at the reservoir known as the "Ross Barnett Reservoir" actually occupied as the home or homestead of a family or person as defined heretofore in this article. However,

no such family group or any other person heretofore qualified and defined in this article shall be allowed to establish more than one (1) home or homestead for the purpose and intent of this article.

(m) Units of a condominium constructed in accordance with Section 89-9-1 et seq., Mississippi Code of 1972, known as the "Mississippi Condominium Law," and actually occupied as the home or homestead of a family or person as defined heretofore in this article. However, no such family group or any other person heretofore qualified and defined in this article shall be allowed to establish more than one (1) home or homestead for the purpose and intent of this article.

(n) A dwelling and the eligible land on which it is located held under a lease of ten (10) years or more or for life, from a fraternal or benevolent organization and actually occupied as the home or homestead of a family or person as defined heretofore in this article. No such family group or any other person heretofore qualified and defined in this article shall be allowed to establish more than one (1) home or homestead for the purpose and intent of this article.

(o) A dwelling being the bona fide home of a family group owned by the head of the family and located on land owned by a corporation incorporated more than fifty (50) years ago and in which the homeowner is a shareholder, and which corporation owns no land outside Monroe and Itawamba Counties. No family group or any other person heretofore qualified and defined in this article shall be allowed to establish more than one (1) home or homestead for the purpose and intent of this article.

(p) A dwelling and the eligible land on which it is located under a lease of five (5) years or more by the Mississippi-Yazoo Delta Levee Board actually occupied as the home or homestead of a family or person as defined pursuant to this article. However, no such family group or any other person

qualified and defined pursuant to this article shall be allowed to establish more than one (1) home or homestead for the purpose and intent of this article. The definition shall include all leases in existence that were entered into prior to July 1, 1992.

(q) A dwelling and the eligible land on which the spouse of a testator is granted the use of such dwelling for life or until the occurrence of certain contingencies and the children of such testator are granted a remainder interest in the dwelling and eligible land. Such dwelling and eligible land will only qualify as a home or homestead if (i) the spouse of the testator would otherwise qualify as head of a family if the interest were a tenancy for life (life estate) and (ii) the dwelling and eligible land is actually occupied as the home of the spouse of the testator. The children of the testator shall be allowed to establish an additional homestead for purposes of this article.

(r) A dwelling and the eligible land actually occupied as the bona fide home of a family group. If a person has been granted use and possession of a home in a divorce decree, that individual is eligible for full exemption, regardless of whether the property is jointly owned.

(s) A dwelling being the bona fide home of a family group located on land owned by a corporation incorporated more than forty (40) years ago and in which the head of the family group is a shareholder, and which corporation owns no land outside Lee County, Mississippi. No family group or any other person qualified and defined in this article shall be allowed to establish more than one (1) home or homestead for the purpose and intent of this article.

(t) The floor or floors of a building used solely for the residence of a family group when the building is owned by the head of the family and another floor or floors of the building are used for business activity.

(u) A dwelling being the bona fide home of a family group located on land owned by an incorporated club and in which the head of the family group is a shareholder, and which incorporated club owns no land outside Union County, Mississippi; provided, the incorporated club pays all ad valorem taxes levied on the land upon which the dwelling is located. No family group or any other person qualified and defined in this article shall be allowed to establish more than one (1) home or homestead for the purpose and intent of this article.

(v) A dwelling and the eligible land on which it is located under a sublease for a period of twenty (20) years or more on land leased pursuant to Section 1 of Senate Bill No. _____, 2010 Regular Session, actually occupied as the home or homestead of a family or person as defined pursuant to this article. However, no such family group or any other person qualified and defined pursuant to this article shall be allowed to establish more than one (1) home or homestead for the purpose and intent of this article.

(w) The portion of a building that is listed on the National Register of Historic Places that is used solely for the residence of a family group when the building is owned by the head of the family and rooms in the building are rented to transient guests; however, not more than ten (10) rooms in the building may be rented to transient guests.

SECTION 6. Sections 1, 2 and 3, Chapter 564, Laws of 2007, which authorize the Mississippi Development Authority to lease the Old School for the Blind property, are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after July 1, 2010.

PASSED BY THE SENATE
April 23, 2010



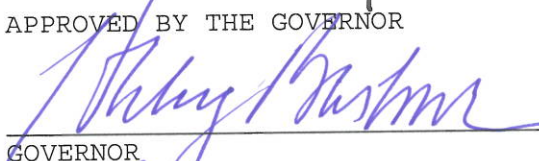
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
April 23, 2010



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

9/12/10

9:29am